

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
October 19, 2004

1. TOUR PERMIT CENTER REMODEL PROJECT

Loreen Mills, Risk Management, briefly reviewed the layout of the building and where each department will be located. During the tour, Ms. Mills pointed out the need to run new power lines into the building in order to provide power for phones and computers for 60 employees to be located in the building. She explained there is a budget amendment scheduled for the Council's October 26 meeting for the additional work to bring power to the building as well as hire licensed personnel to install the wiring for phones and computers.

2. BUSINESS MEETING

- 2.1 Call to Order - City Council
- 2.2 Roll Call
- 2.3 Pledge of Allegiance
- 2.4 Council Communications & Liaison Reports

> NW Medical Team's Dinner

Liz Newton, Assistant to the City Manager, noted the NW Medical Team has 1) relocated its International Headquarters to Tigard and 2) in recognition of its 25th anniversary, is holding a special dinner November 6.

Councilor Sherwood indicated she would attend the dinner on November 6.

> Annual Employee Benefits Fair, October 20, 11 a.m. to 3 p.m.

Ms. Newton invited Councilors to attend the Benefits Fair.

> LOC Annual Conference

Councilor Sherwood indicated she would be attending the LOC Annual Conference.

> ADMINISTRATIVE ITEMS

a. Calendar Review

- October 26: City Council Business Meeting – 6:30 pm
- November 2: Election Day
- November 4-6: LOC Conference – Marriott Hotel Downtown Portland
- November 9: City Council Business Meeting – 6:30 pm
- November 11: Veterans Day - City Hall Closed
- November 16: City Council Workshop Meeting – 6:30 pm
- November 23: City Council Business Meeting – 6:30 pm
- November 25: Thanksgiving - City Hall Closed
- November 26: City Hall Closed
- November 29-December 4: National League of Cities Conference- Indianapolis

2.5 Call to Council and Staff for Non Agenda Items

Mayor Dirksen noted the receipt of correspondence from John Frewing, 7110 SW Lola Lane, concerning some issues regarding the annexation of the East Metzger area in 1987. He noted Mr. Frewing's letter would be forwarded to the appropriate staff to review the concerns.

3. CONSIDERATION OF A RESOLUTION OPPOSING STATE BALLOT MEASURE 37

a. Staff Report

Ms. Newton noted she had prepared the proposed resolution as directed by Council after Alice Ellis Gaut had requested the Council on October 12 to go on record in opposition to Ballot Measure 37 because the financial impacts on Tigard would be catastrophic. After meeting with Mayor Dirksen, she had prepared the resolution distributed to Councilors on October 15.

b. Public Comment

Alice Ellis Gaut thanked the Council for proposing the resolution and urged its adoption.

Lisa Hamilton-Treick indicated she supported the resolution as well.

c. Council Discussion

Councilor Wilson noted the opinion written by former Representative Bob Smith in the Eugene Register-Guard (Agenda Item No. 3, Exhibit 1) in which Mr. Smith discussed the history of land use laws in Oregon, beginning with Senate Bill 100, and the issue of compensation to owners. Mr. Smith is supporting passage of Measure 37. SB 100 created a committee to recommend a program to compensate landowners for regulations that took their property, but the committee was never able to make any recommendations to the Legislature regarding the compensation provisions, so the vital component was never addressed. Measure 7 was passed by voters four years ago. There has been a wake-up call to the legislature they needed to address this omission, but again, nothing has been done through the years. As a result, Measure 37 was drafted by "Oregonians in Action." There is a good chance the voters will pass the measure. While Bob Smith supports passage of Measure 37, he is opposed as it will gut the land use system in Oregon. He had some problems with the draft resolution. As a result, he had written a revised resolution for Council's consideration (Agenda Item No. 3, Exhibit 2) which was distributed to Councilors and members of the audience.

Councilor Moore noted he personally had a problem with the Council taking a stand on any ballot measure because it is up to the voters to make up their own mind on how they wanted to vote.

Councilor Sherwood asked what the history has been on the City taking a stand on statewide ballot measures. Ms. Newton said Council took a stand on a measure during Mayor Edward's term of office.

Councilor Moore concurred Council had discussed taking positions in the past, but he personally feels uncomfortable advocating for or against a ballot measure.

Councilor Woodruff noted that there will be impacts of Metro Goal 5 on citizens of Tigard. Maybe if a measure has direct financial impacts on the City, then City should let the voters know what the impacts are, but not advocate one way or the other. He noted he had some concerns with some of the wording in the original resolution. He felt Measure 37 should have been a wake-up call to the legislature to address this issue.

Councilor Sherwood said she felt comfortable advocating voters of Tigard vote in opposition to this ballot measure, because of the financial impacts the measure would have on the City and that the resolution urges the State Legislature to address this issue.

Councilor Moore explained he was uncomfortable suggesting the 45,000 residents of the City vote a specific way. At Council meetings, he votes the way he feels would benefit the City's 45,000 citizens. He is very concerned about the rights of each citizen to vote their own conscious at the ballot box. He could support a resolution which outlines the impacts a measure would have on the citizens and the city. After a quick review of Councilor Wilson's proposed resolution, in Section 1, he would delete the words "and vote No on Measure 37," so that it would read "The Tigard City Council urges all Tigard residents to study the measure and its impacts." There would need to be other changes relating to the word "oppose" in the resolution. He suggested in the future, if Council was going to advocate for a State Ballot Measure, the resolution needed to be started earlier in the election process.

Alice Ellis Gaut requested that the public comment period be reopened to allow public comment about Councilor Wilson's proposed resolution. The Council concurred.

Ms. Ellis Gaut indicated she was concerned with preserving the land use law regulations. She understood Councilor Moore's personal concern that Council should not endorse measures in general, but this measure could have such a detrimental impact on Tigard, she felt the City needed to relay the effects the measure would have on the City. She supports the draft resolution as written by staff.

Gretchen Buehner noted she had reviewed both the resolutions proposed by staff and Councilor Wilson. She felt it would be wise for Council to address the issue of the damage this measure would have on the city as a whole. Both resolutions would do that. There will be impacts on the average John Q. Citizen if this measure is approved by the voters. She would urge all citizens to vote "no" on Ballot Measure 37. It would be wise for Council to address the impact question, as the regulations will negatively affect a lot of citizens. Many people do not understand the ballot measure.

Councilor Moore stated if the City were going to do something, it should have been done in September. He felt it was too late to take a stand two weeks before the election date to make much a difference. He has already voted and returned his ballot.

Ms. Newton indicated she could try to put together a revised resolution for consideration at the October 26 Council meeting.

The Council discussed the proposal, and there was unanimous concurrence by the Council that it would really be too late to try to influence voters, and would therefore not consider either of the resolutions at this time or at the next Council meeting. In the future, if Council wants to adopt a position on a ballot measure, it would need to be done earlier in the process, not a couple of weeks before the election.

*At the end of the meeting, Councilor Woodruff indicated he had prepared some language which the Council might consider. The Council concurred that they would not take any action on a resolution to oppose or support Ballot Measure 37.

WORKSHOP MEETING

4. JOINT MEETING WITH THE SENIOR CENTER BOARD

Staff Report

Karen Gardner, Executive Director of the Tigard Senior Center presented her staff report which included a PowerPoint presentation (See Agenda Item #4, Exhibit 1 for copy of PowerPoint slides) about the Center's operation, programs, volunteer program, work being done on a Community Development Block Grant application to improve the Center between 2005 and 2010, and their outreach program. In addition to the PowerPoint slides, Ms. Gardner distributed copies of the October activity calendar (Agenda Item #4, Exhibit 2) and the brochure entitled "Food for Thought" for October, that is distributed by Loaves & Fishes Center for the Tigard Center edition available in both English and Spanish (Agenda item #4, Exhibit 3).

The following are major points Ms. Gardner included in her presentation:

- The Center serves not only the City of Tigard, but also seniors living in King City, Metzger and Progress areas.
- Meals on Wheels are delivered to both homebound residents and at the Center. When the restaurant closed in the Wells Fargo Tower, all the restaurant fixtures, including tables and chairs, steam tables, dishes, glassware, cutlery, etc., were donated to Loaves and Fishes, and the Tigard Senior Center received tables and chairs.
- There is an "English as a Second Language" (ESL) program operated at the Center in cooperation by Portland Community College, serving mainly Hispanic and Asians.
- The Center is staffed by volunteers, with over 13,000 hours donated last year. These services provided included operating the gift shop, delivering meals, and so many other areas.

- At a recent geriatric conference she attended, she received information to indicate people are going to live longer, which means more services are going to be needed by the elderly for a longer period of time. Service operations need to change to address the needs of seniors.
- She described the Center's outreach program they operate, in an effort to reach more seniors in their service area.
- The CDBG grant they are applying for was reviewed. The staff is not sure how the proceeds will exactly be used, but would probably be used to remodel the kitchen/dining room, or possibly construct an addition to the building.
- There will be a need for citizen's to be involved during the long range planning component, there is always a need for more volunteers to help on the various programs the Center operates as well as financial donations are always welcome.

The following Board members described their involvement with the Center: Corrie Stalk, Bill Gerkin, Kris Magaurn, Arthur Davis, and Mary Ellen Seeger.

Councilor Sherwood indicated she would be willing to work on the CDBG grant application with Ms. Gardner. She was very surprised by the quality of the food, and the warm inviting atmosphere of the Center itself.

Ms. Mills concurred with the excellent quality of the food.

Councilor Woodruff complimented Ms. Gardner on the operation, but indicated this presentation should have been made at a regular Business Meeting in order to have the presentation televised.

5. BRIEFING ON METRO PROPOSAL FOR MANDATORY BUSINESS RECYCLING

- Staff Report

Tom Imdieke, Financial Operations Manager, presented an update on the recycling program businesses are required to use in the Metro region. This program is intended to reduce the amount of solid waste going to the landfill as a result of recycling. The region's recovery rate for 2002 was 54%; the goal for 2005 is 62% recovery rate and an increase to 64% recovery rate by 2009. This is for residential and business recycling programs. Tigard has implemented a mandatory recycling program in 1996 patterned after the City of Portland's program, with a goal of recycling up to 50%. The City works with haulers to monitor and implement the recycling program. Fees for violations range between \$500 and \$5,000.

Mr. Imdieke distributed a handout entitled "Recommended Practices Being Considered by Metro" (Agenda Item No. 5, Exhibit 1), which details the various programs Metro is considered.

Councilor Sherwood noted restaurants, caterers and grocery stores in the past had been sending perishable foods to a depository to be used at food shelters, but by the time the food was received, the food had gone bad and had to be put in the garbage by the depository. The only thing that was being done was to move the disposal of the food from the original source to the depository which was adding to the depository cost of their garbage.

Councilor Woodruff asked how Tigard businesses compared to the 54% recovery rate on a regional basis.

Mr. Imdieke replied Tigard is on target with the rest of the region. He routinely receives information from the haulers on the amount of material that has been recycled.

Councilor Wilson asked if manufacturers are using plastics that are recyclable. Mayor Dirksen concurred that some of the plastics used by manufacturers are not recyclable.

Mr. Imdieke stated the region is working with many manufacturers to address this concern.

Councilor Wilson stated new packing peanuts are being used that are completely degradable. He recently received a package with the new packing peanuts; he tried an experiment of putting water on the peanuts which dissolved the peanuts and the residue could just be washed away.

Mayor Dirksen recessed the meeting for a short break at 8:19 p.m.

Mayor Dirksen reconvened the meeting at 8:25 p.m.

6. POTENTIAL PROJECTS FOR THE MSTIP TRANSPORTATION CAPITAL PROGRAM

- Staff Report

Gus Duenas, City Engineer, presented the staff report which included a PowerPoint presentation concerning potential MSTIP Transportation Capital Program projects (Agenda Item No. 6, Exhibit 1), copy on file with the City Recorder. During the current MSTIP-3 program, Tigard and Tualatin submitted 2 projects, Beaverton

submitted 1 project, and the rest of the projects were for other cities and the rest of the unincorporated area. Washington County Board of Commissioners is now soliciting applications for the MSTIP-4 funding cycle. They are looking at \$5,287,000 for this six-year period. Municipalities have until October 29 to submit their requests, and the County Coordinating Committee will make their decision on the applications on November 15, so this is a very fast-track system.

Mr. Duenas then reviewed each of the proposed projects that had been identified, photos shown of the area, and costs identified. The proposed project list included:

- Walnut Street (Tiedeman Avenue to 121st Avenue)
- Greenburg Road (Shady Lane to Tiedeman Avenue)
- Burnham Street (Main Street to Hall Boulevard)
- 72nd Avenue (Beveland Street to Dartmouth)
- 121st Avenue (Rose Vista Drive to Tippit Place)
- Scoffins/Hunziker/Hall Intersection Realignment and Signalization
- Greenburg Road/Highway 99W/Main Street Intersection Improvements

Mr. Duenas also answered questions from Councilors during his presentation. Staff recommended forwarding the following projects for Council consideration on October 26.

- Walnut Street (Tiedeman Avenue to 121st Avenue) - \$1,700,000
- Greenburg Road (Shady Lane to Tiedeman Avenue) - \$1,500,000
- Burnham Street (Main Street to Hall Boulevard) - \$2,100,000

Mr. Duenas stated an alternative or additional project is:

- Greenburg Road/Highway 99W/Main Street Intersection Improvements - \$2,250,000

Following additional discussion, The Council concurred to place the recommended list of projects on the Council's October 26, Business Meeting for approval.

Councilor Wilson noted there had been a bridge over a ravine near the Progress Quarry, which were constructed rapidly using pre-constructed arches. He asked Mr. Duenas to look into that type of bridge.

7. COMMUNICATION PLAN UPDATE

- Staff Report

Liz Newton, City Administration, stated the staff report was included in the Council Newsletter on October 15, in which she reviewed the City's Communication Program. Responses in the Vision Task Force survey indicated the different ways

residents kept informed about what is happening in the City. Staff has been considering a change in the City Newsletter, "Cityscape," to include a column titled "Heads Up," which will highlight issues that will be started in about one to two months away, so citizens can be on the look-out for additional information about issues. Some issues identified so far include the Metro excise fee and the comprehensive plan review process. If interested, citizens can then find a way to get involved in an issue. Ms. Newton noted that the survey results indicated that between 6 and 7% of the citizens use the city website as a source of information. There continues to be a core audience watching council meetings on cable television.

Ms. Newton stated there has been a proposal for an Enhanced Community Connector/Citizen Involvement Program for the City. The Community Assessment Program (CAP) is concluding its second year of operation. She then showed a map showing the 40-plus CAP areas in the city, which was taken from the police grids. The idea for each area is that each shares some commonality, such as a school, major street, park, commercial area, etc. Each week, staff is assigned to walk through several of the areas, talking with citizens and observing situations which need to be addressed. There is a proposal to incorporate representatives from each area in the CAP program into the Citizen Involvement program.

Ms. Newton noted areas with schools have a link to the surrounding neighborhood area. As a property owner without children attending school (Fowler Middle School), she personally understands the impacts schools have on neighborhoods. For her, the issue is transportation system and the problems on Walnut. Other neighborhoods, such as the one surrounding Cook Park or a major commercial area, have situations unique to their neighborhood. There is intent to have citizens from each neighborhood participate in the CERT program, who would help their neighbors during an emergency, until the trained emergency personnel could respond.

Ms. Newton explained the Vision Task Force had proposed the Enhanced Community Connector/Citizen Involvement Program and this proposal is on their meeting agenda on November 18. They feel the program needs to be enhanced as soon as possible in order to be in place by the time the City begins the comprehensive plan revision process.

Councilor Sherwood noted Council has discussed this proposal at the Strategic Planning meeting.

Ms. Newton asked if Council agreed to the concepts as outlined in her memo so that it can be forwarded to the Vision Task Force on November 18.

The Council concurred with the proposal.

> ADDITIONAL DISCUSSION CONCERNING BALLOT MEASURE 37

Councilor Woodruff indicated he had written additional language regarding the resolution opposing Ballot Measure 37 and asked Council if they were interested in hearing his proposal.

Mayor Dirksen asked if the Council was interested; no one indicated they were interested in further discussing the proposed resolution.

> DISCUSSION CONCERNING THE FIFTH TUESDAY CITIZEN FORUM

Councilor Sherwood noted the Council had discussed holding an open citizen forum during months with a fifth Tuesday, no staff would attend except for the person recording the meeting. The first month with five Tuesdays is November. Council indicated they would like to try this on November 30. She did not want citizens to be yelling at the Council.

Councilor Moore stated he was concerned this not just be a griping session, but would be offering suggestions and bringing new ideas.

The Council concurred to schedule the first Citizen Forum on November 30, 7 p.m. at the Tigard Town Hall (or other location if the Town Hall is not available due to construction). No decisions would be made, and the Deputy City Recorder would take notes.

Councilor Sherwood asked if this would conflict with anyone's attendance at the National League of Cities. It was determined that Councilors were not scheduled to leave until Wednesday, so this would not interfere with the forum.

Councilor Moore asked who would be able to participate. The Council concurred this would be an open forum for residents of Tigard only.

8. COUNCIL LIAISON REPORTS

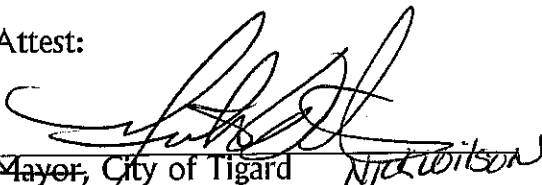
9. NON-AGENDA ITEMS

10. ADJOURNMENT

Councilor Woodruff moved, seconded by Councilor Sherwood, to adjourn the meeting, and motion passed unanimously, and the meeting was adjourned at 9:27 p.m.

Attest:


Jane McGarvin, Deputy City Recorder


Mayor, City of Tigard
COUNCIL PRES.
Date: November 9, 2004